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Attorneys for defendants, CHEPSTOW  
SHIPPING CO. LTD.,  
AS OWNERS OF AND CLAIMANT TO  
THE M/V SEA CRISTOBAL and the vessel  
M/V SEA CRISTOBAL *in rem*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELTAK, L.L.C., a limited liability )  
Company; )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
INDUSTRIAL MARITIME CARRIERS )  
WORLDWIDE, a limited liability )  
corporation, *in personam*; CHEPSTOW )  
SHIPPING CO. LTD., a foreign )  
corporation, *in personam*; CEC )  
SHIPMANAGEMENT, an entity of )  
unknown form, *in personam*; and M.V. )  
SEA CRISTOBAL, a.k.a. M.V. CEC )  
CRISTOBAL, her machinery, tackle, and )  
engines, etc., *in rem*; )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No.: C-04-1494 MMC EDL

**STIPULATION AND  
~~PROPOSED~~ ORDER  
PERMITTING PARTY  
REPRESENTATIVES TO  
ATTEND MEDIATION BY  
TELEPHONE**

**E-Filing**

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NEPIA SEA CRISTOBAL/  
2138

1 WHEREAS: The party representatives for plaintiff and its underwriters are located  
 2 in Minneapolis, Minnesota, Jacksonville, Florida, and New York, New York; the party  
 3 representatives for defendants Chepstow Shipping Co. Ltd. and the M/V SEA CRISTOBAL  
 4 are located in Newcastle Upon Tyne, England and Copenhagen, Denmark; and the party  
 5 representative for defendant International Maritime Carriers Worldwide, LLC is located in  
 6 New Orleans, Louisiana; and

7 WHEREAS: The parties have already engaged in substantive pre-mediation  
 8 settlement discussions and have narrowed the claim amount to approximately \$541,000  
 9 down from an original claim potentially exceeding \$12 million; and

10 WHEREAS: The parties are continuing their pre-mediation settlement discussions  
 11 and expect to further narrow their differences and possibly even reach a settlement before  
 12 the mediation; and

13 WHEREAS: Some of the party representatives are unavailable to travel in June but  
 14 the parties nonetheless wish to proceed with the mediation with a strong likelihood of  
 15 settlement; and

16 WHEREAS: the cost of travel for the parties from the distant locations involved  
 17 would be prohibitive; and

18 WHEREAS: The attorneys for each of the parties and the assigned mediator are long  
 19 time colleagues among whom many cases have been settled without the need for party  
 20 representative attendance:

21 IT IS HEREBY STIPULATED, by and between the parties through their respective  
 22 counsel of record, that all party representatives with settlement authority may attend the  
 23 mediation scheduled for June 17, 2005 by telephone standby provided that they are actually  
 24 and reasonably available throughout the course of the mediation. Each party will include in  
 25 its mediation brief or correspondence to the mediator the contact phone numbers for each  
 26 representative attending by telephone. Each party representative will have full settlement  
 27 authority .

28 IT IS SO STIPULATED

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 2138

1  
2 Dated: May 25, 2005

COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP  
Attorneys for defendants, ~~EMARD, DANOFF, PORT & TAMULSKI, LLP~~, CHEPSTOW  
SHIPPING CO. LTD., AS OWNERS OF  
AND CLAIMANT TO THE M/V SEA  
CRISTOBAL and the vessel M/V SEA  
CRISTOBAL *in rem*

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4  
5  
6  
7 By   
8 Gregory W. Poulos  
9 Lynn L. Krieger

10 Dated: May 25, 2005

GIBSON ROBB & LINDH  
Attorneys for plaintiff, DELTAK, L.L.C.

11  
12 By \_\_\_\_\_  
13 Joshua E. Kirsch

14 Dated: May 25, 2005

EMARD, DANOFF, PORT & TAMULSKI,  
LLP  
Attorneys for defendant INTERNATIONAL  
MARTIME CARRIERS WORLDWIDE, LLC

15  
16  
17 By   
18 James Tamulski

19  
20 ORDER

21 The Court having considered the above stipulation of the parties, and finding good  
22 cause exists to excuse the personal attendance of the party representatives from the  
23 mediation now scheduled for June 17, 2005, the Court hereby ORDERS that the party  
24 representatives with full settlement authority may attend the mediation by telephone  
25 provided that they are actually and reasonably available throughout the course of the  
26 mediation. Each party is to provide the contact telephone numbers for its representative(s)  
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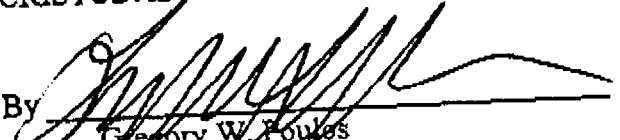
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NEPIA, SEA CRISTOBAL  
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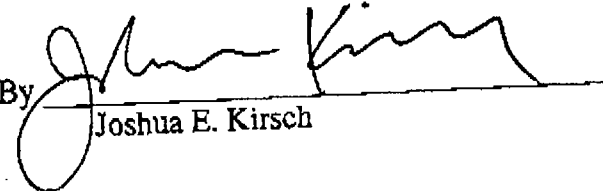
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2 Dated: May 25, 2005

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~~SEAFAR~~ CHEPSTOW  
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AND CLAIMANT TO THE M/V SEA  
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CRISTOBAL *in rem*

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8 Gregory W. Poulos  
9 Lynn L. Krieger

10 Dated: May 25, 2005

GIBSON ROBB & LINDH  
Attorneys for plaintiff, DELTAK, L.L.C.

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12 By   
13 Joshua E. Kirsch

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NEPLA SEA CRISTOBAL  
2138

1 to the mediator in advance of the mediation.

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3 IT IS SO ORDERED.

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5 DATED: 5/31/05

/s/ Wayne D. Brazil

~~XXXXXXXXXXXX~~

Hon. Wayne D. Brazil  
ADR Magistrate Judge

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